

LAW OFFICES

POWER ROGERS & SMITH, P.C.

70 West Madison Street
55th Floor, Chicago
Illinois 60602-4212
TEL: 312 236-9381
FAX: 312 236-0920
www.prsllaw.com

October 11, 2011

Mr. Michael Pope
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606

Robert H. Shultz, Jr.
Heyl Royster Voelker & Allen
Mark Twain Plaza 11- Suite 100
105 West Vandalia Street
Edwardsville, IL 62025

RE: Pending Atrazine Litigation

Gentlemen:

My office has been retained by the parents of a child born with a birth defect which they believe to be caused by fetal exposure to atrazine from the mother's ingestion of atrazine contaminated drinking water. Our firm is currently undertaking a thorough investigation of potential claims against your clients. We are aware of lawsuits in Madison County, Illinois and in the United States District Court for the Southern District of Illinois involving atrazine. It is our understanding that significant discovery has already taken place in those cases and that further discovery is ongoing. We are also aware that the terms of a Protective Order in each case require certain discovery responses and documents to be returned to the producing parties at the conclusion of that pending litigation. Given that the factual and legal claims in the pending atrazine litigation appear to overlap significantly with the claims that may be asserted on our clients' behalf, we have a good faith belief that much of the discovery would be relevant to the lawsuit our clients may commence against Syngenta and Growmark.

We write to seek an agreement with your clients to gain access to all discovery in both pending atrazine related lawsuits. We are willing to be bound by the terms of the existing Protective Orders. We have no interest in interfering with the current litigation and hope that an agreement can be reached to avoid a formal Petition for Intervention and unnecessary expense for our respective clients. I look forward to hearing from you.

Sincerely,

POWER ROGERS & SMITH, P.C.


Joseph A. Power, Jr.

cc: Stephen Tillery

Joseph A. Power, Jr.
Larry R. Rogers
Todd A. Smith
Thomas G. Siracusa
Thomas M. Power
Larry R. Rogers, Jr.
Devon C. Bruce
Joseph W. Balesteri
Sean M. Houlihan
Brian LaCien
Carolyn Daley Scott